

**JOINT MEETING
FORT MYERS BEACH TOWN COUNCIL
And LOCAL PLANNING AGENCY
OCTOBER 21, 1997
NationsBank Building, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I CALL TO ORDER

John Mulholland, Chair of the Local Planning Agency opened the meeting on Tuesday, October 21, 1997 at 6:45 P.M.

Present at the meeting from the Town Council were: Mayor Anita T. Cereceda; Council Members Rusty Isler, Ray Murphy, and Garr Reynolds.

Present at the meeting from the LPA: Mr. Mulholland, Roxie Smith, Betty Simpson, Dan Hughes, Linda Beasley, Bill Van Duzer, Ron Kidder, Lena Heyman, and Johanna Campbell.

Also present: Town Manager and Attorney for the LPA Marsha Segal-George; Deputy Town Manager John Gucciardo; and Town Attorney Richard Roosa.

Excused from the meeting: Vice-Mayor Ted FitzSimons

II INVOCATION AND PLEDGE OF ALLEGIANCE

The Council was led in prayer by Mr. Mulholland. All assembled recited the Pledge of Allegiance to the flag.

III PUBLIC COMMENT ON THE AGENDA

A EVE HAVERFIELD

Ms. Haverfield stated that she has been involved in sea turtle monitoring on Fort Myers Beach for nine years. She is on the beach almost every day for about 6 months of the year and has extensive experience with beach renourishment and compaction. She wanted to address Policy 5-B, section 3, which deals with vehicles on the beach. She said people flock to beaches that are not groomed, where detritus is left, and which do not have heavy vehicles on them. Seaweed is clean, but beer cans, straws, etc. are dirty. On FMB, farm tractors are used to clean the beach and she knows of 14 that are active and weigh at least 5000 lbs. These tractors cause compaction of sand. Even moving jet skis compacts the beach. An acceptable compaction reading is 400 pounds per square inch. The reading at Little Estero Island is less than 200 near the surface then goes to 400 down lower. This is very good for sea turtle nests. Just north of there where there is continuous traffic, she could not get past the first inch where the reading was greater than 800. Tractors are one reason, but the fact that the frontal dune is flattened is another reason because the beach is no longer protected from a tidal surge. Also pool and water drain-off onto the beach causes compaction. Another problem is removing the rack line (stuff that washes ashore). It doesn't get worked back into the sand and that causes compaction. In that area she saw 27 attempts to nest and only 2 were able to nest, and of those, all the turtles died in one nest because the sand could not drain and they drowned. The beach is also left with a green slime when the sand is compacted. In areas where they rake less than two times a month, the compaction is OK and turtles can nest. She doesn't want to cause a problem for business, so she suggests going to all-terrain vehicles instead of tractors because they weigh less, and only clean the beach once a month. She has not found a single article that says that having vehicles on the beach is good.

There being no further comment, public comment was closed.

Mr. Mulholland said that the LPA is on schedule. There will be public hearings on the elements of the comp plan, and changes can be made at any time, but now is the best time. Ms. Campbell asked the Council what their vision is. She thought they were already on the same page, but after last night's meeting, she wonders if it has changed. Mr. Murphy said he doesn't think they are going down two different tracks. A particular case came along and the public got involved and that is their right. He felt there is nothing wrong with listening to what a large number of people are saying. But he feels we still have the same vision. Mr. Hughes concurred that they are not going down two separate paths. He did not think it was an issue before them this evening, and that they need to stick to the three elements before them tonight. Mr. Isler said he feels that the elements mirror how he feels about the whole plan. He felt the

zoning case that involved putting a building on the corner is a very small part and does not affect the whole concept. It doesn't mean he doesn't accept the whole plan and they will never all agree on everything. Basically he thinks the plan is sound but you have to be practical after some things are costed out. Mr. Reynolds said he was at the vision meetings and he did not come away with the vision that has become such a big thing with the LPA. He thinks Mr. Dover came up with those visions. Besides they were not told to be realistic. He thought they would be asked to come back later and see what was realistic. But instead, these paper came back as a vision plan. He felt like Eckerds was a good decision because of safety. He also felt like Eckerds did a lot to cooperate with the council and the neighbors. All towns are not going in the direction of bringing buildings out to the street. In fact, some towns are doing just the opposite. He is not strongly against it, but he does not think it is a vision that has been approved by most people. He does not mind if Santini wants to go that way if it is their decision. Mayor Cereceda said it is not a matter of being for or against something but of having the courage to look to a vision and implement it every single time you have the opportunity. We have already discussed the design element and she doesn't remember there being any objection or questions about the vision at the time. Then the first time they had an opportunity to go with it, they backed off. Even if we got 200 letters in favor of Eckerds, there were over 7000 we didn't hear from and we can assume they were in favor of the design. You may not be able to get all the way to your vision, but you try to dream as big as possible. These elements are very expensive to write and have taken two years. She suggested that the elements be accepted as we go along so that it can't be used against us that it is a "draft."

IV DISCUSSION OF RECREATION ELEMENT

Mr. Spikowski said this element has been one of the less controversial, but when it comes time to work on the capital improvements element, that won't be the case. Park financing is normally done through impact fees or tourist taxes or grants. But our impact fees are going to the pool, so that source is not available. User fees help, but usually only cover about 10% of operating costs. Lee County uses ad valorem taxes to operate their parks. The level of service is required by state law, and our current level is all that is required. Anything else is what we want for quality of life. Beach access on the south end is very important. Past the Holiday Inn there are none, and Little Estero Island is not available through public property. The tennis club at Bay Beach is already approved for development, and if the Town decides they want it to be public, they will be paying for development costs and rights. We are probably better off putting tennis courts somewhere else. Mr. Hughes noted that the element addresses recreation that is both public and private, and he thinks it would be helpful to add that in the introductory remarks and also in the goal. He suggested an objective in the private element that would ensure through the zoning process that adequate recreational areas are provided and maintained on new developments. Mr. Van Duzer suggested that another policy could be added under Policy 9 to that effect.

Mayor Cereceda said she thought it was good to have private recreational areas because it would help take the burden off the public. Mrs. Segal-George said that since we are almost totally built out, it would only involve redevelopment, and we can insist that they be open to the public. Mr. Isler said he thought the element was very good and thorough, but he thought beach easements should be a separate black title and should have the same status as the other sites because it is very important on the beach how we deal with them and manage them. He also thought that boating facilities and activities should have a paragraph because it is a very big reason why people are here. He said he does not want the whole bay to be idle speed, but every time a pier or a dock is approved, they are going to push for idle speed. If the whole back bay is idle speed, it will endanger the grass flats and mangroves. If it is too restrictive, it will make it impossible to boat. Mr. Mulholland said the MRTF has been talking about speed and there is a lot of disagreement. But he is not sure speed zones should be in the recreation element. Mr. Murphy feels like they have already addressed speed in the ordinances. Mr. Roosa said the speeds are posted by administrative order, which would mean the town manager would have the right to post speeds. In Cape Coral some people are so far away at slow speed that it takes a half tank of gas to get to open water. If it takes too long, the value of property in the middle of the island will go down. People will want to be at the ends of the island. Mr. Van Duzer said the coastal management element addresses boating in more detail. Mr. Hughes said that the entire back bay should be listed as a recreational area, not just the aquatic preserve. Mr. Reynolds asked why in the list of recreational facilities some business are listed and not others. For instance, why is Times Square mentioned but not Santini. Mr. Spikowski said Santini is discussed in other elements, and he thinks Times Square has a more recreational aspect because of the pier, etc. Mr. Kidder said Times Square is a walking area that the Town owns and Santini is private. They are

different. Ms. Simpson mentioned the birthday party, the musical events, New Years Eve event, etc. which makes Times Square more recreational. Mayor Cereceda said the plaza itself is different than the businesses that are adjacent to it. People come there just to hang out. Ms. Smith said because Times Square is next to the park and the pier it will always have a different ambiance than something like Santini.

Ms. Campbell wanted to make sure the Council will be comfortable with the section about exotic vegetation (Policy 2-A). Mr. Reynolds said he thinks the Australian pines provide a nice shade and give protection. They grow tall but they haven't fallen over in a storm yet. Mr. Isler suggested saying "manage and control the spread" instead of "take out". Mr. Murphy said the pines provide a benefit for people who like to sit in the shade. He thinks it is fine to keep a few that provide a service--we just need to manage them. Mayor Cereceda said she cannot support taking them all down. She does not see them as exotic but as a way of life. She would like to see them stay. Also Ms. Campbell wanted to make sure they would support the hidden paths (8-A). Mr. Reynolds said it was good for walking and biking for recreational purposes but he does not think it can be considered as a good way to get up and down the island because it winds around too much. He knows some people will not like it when it goes next to their house. Mr. Isler said he thinks the proposal is too specific for a vision plan. He likes the idea of a path, but to not have a dollar figure attached to it is wrong. It could cost 10 or 20 million dollars if you have to buy a house on every street. Mayor Cereceda said if we had a big storm, it would not be that expensive to put in the path. It is not required, just suggested. She said Orlando has a program called the Mayor's Neighborhood Grants. A fund is set up by the council, and people can apply to the fund for neighborhood projects for matching funds. It has created neighborhoods. Mr. Spikowski said if people don't want it in their neighborhood, the council won't go in and make them. Fort Myers does this with street lighting and it is very popular and people wait in line for the funds. It is intended so that if someone wants to give an easement by their house, their house won't become non-conforming. Mr. Kidder said he thinks it can be done with very little property having to be acquired. There are some closed street and beach accesses that can be used. Mayor Cereceda said that on Policy 9-C, she would like that to be more broad or regional. It should include at least all of southwest Florida.

V DISCUSSION OF COASTAL MANAGEMENT AND CONSERVATION ELEMENTS

Mr. Spikowski said it is easier to discuss these two elements together because they intertwine. The direction is a transition to a natural beach, which is less strident and immediate than they originally started to do. It would eliminate some of the management practices that are harmful to the beach without disrupting life as we know it. You do the specifics by ordinance so the language must be general. Some of the major issues are: the Town's role in declaring hurricane evacuation; the change in development regulations to allow owners to strengthen their buildings (some federal agencies think old buildings should just wither away and disappear, but some old building have great value to the community); the town would maintain enough funds to help with post-disaster rebuilding; move major power lines along Estero underground whenever possible (important so that evacuation routes are not cut off in a storm); renourish the beach on a major part of island; support re-creation of sand dunes where they have been removed (provides a lot of protection in a storm); update the beach lighting ordinance for sea turtles; reduce use of vehicles on the beach to the bare minimum; acquire more open spaces; remove encroachments on water access points on the back bay and open them up for public use; and initiate a Matanzas Harbor planning process that will involve the county and San Carlos Island and the Coast Guard to resolve conflicting uses of the harbor.

Eileen Barnett, an environmental specialist with the DEP, a member of the MRTF, and a resident for 8 years, spoke about the beach environment. She said the beach zone is a unique and dynamic environment that is made up of unconsolidated material (sand, gravel, and shell) which moves a lot. It is affected by wind, waves, tides, accretion, and erosion. In southwest Florida, the general tendency is movement to the south, but there is a point in the middle of our island near the seawall area where the sand moves in both directions and causes erosion. A healthy beach protects from storms and provides recreation, and the economy is tied to a healthy and wide beach. It provides habitat for wildlife, including many species of turtles and shorebirds which are protected, threatened or endangered. Erosion is a big problem and most of the Florida coast is eroding. One reason is because of a rise in sea level, but most erosion is caused by development. Construction of seawalls also increases erosion. When dune vegetation is destroyed we lose an important source of sand. Beach raking also causes erosion if it is done in the wrong way. There are less impacting ways to rake the beach. Large vehicles and box blades destabilize the beach. Accretion is where the beach is growing, and south of the seawall it is growing at a rapid rate.

Sand is coming off the seawall area, deposited in the sand bars, then carried down the island. A healthy dune area can slow erosion. First we need to renourish the beach then build the dune with vegetation to go along with it. Renourishment alone will have to be redone often, but dune vegetation can preserve the beach well into the future. Dunes make the wind slow down and drop the sand. It reduces the amount of wind blown inward on the island where it gets swept away and lost. Coastal development has displaced the dune system and seawalls are sure way to lose sand. Instead of a soft area for the sand to drop out, it hits the wall with full force and scours the sand and drags it back out. Riprap (limestone boulders) can be placed on a slope, instead of solid wall, which breaks up the energy of the wave and reduces the scour from the sea wall. But it doesn't do everything that a dune system creates. If you have a healthy dune system and vegetation, it feeds and replenishes the foredune system. People perceive that a beach should be pure white sand, but a healthy beach has some natural material on it. It is a food source for birds and near-shore fish and shellfish. Improper raking causes compaction of sand, and we provide a safe haven for a threatened species. Raking should be restricted to after heavy storms only, or once a week, or only as need arises, but you have to define what that is. We need to use smaller, lighter equipment. Mr. Reynolds said he thinks the raking should be minimal. He would rather put up with the smell for a while. Ms Barnett said a lot is perception of the tourists who put a lot of pressure on us to rake. Mayor Cereceda said that National Geographic had a good article on barrier islands. She asked if any communities have taken down seawalls. Ms. Heyman said there used to be a lot of sea walls on the south end and most are gone now. Mr. Kidder said Little Estero is never raked and eventually the gulf pulls the debris back. Maybe we need more education. Mr. Mulholland said Sanibel does not permit removal of material from the beach and the beaches recover by themselves. (It was clarified that you can remove debris on your private property but no vehicles are allowed. They will remove dead fish over a certain size.) Mrs. Segal-George said Ms. Haverfield is working on an ordinance that will be better for turtles and that will address some of the issues such as raking, beach chairs, etc. Raking will be addressed eventually in the land development code. Mr. Isler said you should only clean the beach when you have dead fish and red tide. He thinks that only ATVs with low pressure tires should be used even to move jet skis, beach chairs, etc. Mr. Van Duzer said he paid a lot to go to Costa Rica for a few weeks but he was only on the coast for a few days. They had a storm and there was a tremendous mess on the beach and it was a real disappointment for his grandchildren. So there is another side to it. We need to come to a realistic transition period. Mr. Murphy said his condo is creating a dune and planting sea oats. Ms. Simpson said she agrees on the importance of dunes, but she is in the tourism business and if people are only here a few days and the beach is a mess and they are disappointed when they have spent their money to come down here for a short trip. Mr. Murphy said there has to be a balance. Mr. Reynolds said a clean beach over time may mean no beach. Almost anything that washes in will clear out within a few days. If it is massive, it may take a few weeks.

The council took a break at 8:48 and reconvened at 9:00.

Mr. Spikowski asked if the town wants to get involved in evacuation or if it should it be taken out of the plan. It will take money and training, but it could be important that we evacuate before the county calls for one, which would also make it easier to get off the island. Mr. Roosa said there is no liability on the municipality as long as you do it for the public good. The Town will have that implied responsibility anyway. Our circumstances are different than the county, and getting a head start is important, but false alarms are very dangerous because the next time people will refuse to leave. Sanibel can do mandatory evacuations. But mandatory does not mean someone will come and arrest you if you don't leave. The city manager makes the call. Mr. Van Duzer says the element only says we should be prepared. It doesn't say they have to do it. Mrs. Segal-George said she is comfortable with the language. Ms. Heyman said her homeowners policy will not pay for a hotel room unless it is a mandatory evacuation, so it could help the residents. Mr. Spikowski cautioned that if you evacuate before the shelters are open, you haven't done people a service. Mr. Isler said the town should only recommend, not order, evacuation. We can't add any expertise to what the county can do with their big staff. Mr. Reynolds likes the idea of a mandatory order. Mr. Spikowski said it is estimated that it will take 5-6 hours to evacuate the island, but the big problem will be after you get to the mainland. Mr. Murphy said he feels we have the responsibility, but he thinks advisement and strong recommendation is necessary from the town. Mr. Hughes asked how you could have mandatory evacuation without the law enforcement to back it up. He is afraid there would be liability if you ordered mandatory evacuation and did not enforce it. Mr. Roosa said recommending evacuation and mandatory evacuation means a lot of difference to the compliance of people, even though you won't

actually remove them. There is sovereign immunity in the state of Florida that will protect the Town. Mr. Isler said he thinks the most effective thing you can do regarding hurricanes is to make plans on what to do after the hurricane. Mr. Spikowski said objective 3 addresses that and we have already adopted the county's plan and it just needs to be customized for the town.

Regarding Matanzas Pass, the language is now stronger that the town will initiate cooperation if someone else does not. He wanted to make sure we are not promising more than we will deliver. Mrs. Segal-George said she is comfortable with the wording. Mayor Cereceda said she feels we have already taken steps in this area because of Waterfronts Florida, the MRTF, and the Regional Harbor Board, etc. It was clarified that this new entity would be beyond just the Town's interests, and it would not necessarily be sponsored by the Town.

Mr. Isler asked about the vision on beach renourishment. Mr Spikowski said that we are lucky because the island is the number one priority on the county plan. This plan says there may be two groins at the ends of beach, but nowhere else. We are looking to the national and state government for funding, then to the TDC, and if all else fails it may have to be paid for through assessments.

Mr. Hughes said on the conservation element, the goal refers to protection. Can we have some language in the goal about improving, rehabilitating, restoring, etc?

Mr. Isler asked about mosquito spraying and lawn maintenance. He thinks mosquito spraying has killed some of the fish stock because it kills off some of the insects they feed on. He thinks they are spraying when there are not that many mosquitoes around. Manicured lawns have an impact on marine life too. Should the Town have a role in it? Mr. Spikowski said maybe we should and he can prepare something for the council to consider. He wondered if it should be more informational or regulatory. We may not have any authority over the mosquito district, which is independent. He said there are new products that almost exclusively kill mosquitoes, but they are about 5 times more expensive. Maybe with the limited area and wetlands we have, it could be done here.

VI PUBLIC COMMENTS

A BILL PERRY

Mr. Perry, who operates Aqua Sports at the Holiday Inn, talked about cleaning the beach. This past turtle season they tried not to rake with 100 feet of the water. They did not scrape the rack line. He feels you should only use tractors for jobs that are large enough to warrant it. A dune system would make his cleaning area much smaller. They would only need to rake in the case of fish kill or serious seaweed. He would like a chance to meet with Ms. Haverfield and the town to put together strict regulations during turtle season and non-turtle season.

B JEFF YOUNG

Mr. Young manages one of the condo units on the south end. He is under constant pressure to keep the beach clean. There are a number of different conditions on the beach, from no beach up to 1000 feet of beach. The tide will not take away the accumulated debris that is more than 50 feet from the water's edge. Unless it is raked it will never get clean. You have to think of the different areas when doing an ordinance.

C GAIL CLEBECKER

Ms. Clebecker is a condo owner. She said when you take your grandchildren to bathe on the beach you want it to be clean. The tide does not take out the debris or the dog excrement. If you don't keep it nice, it is awful for the tourists. As for mosquitoes, she doesn't think anyone wants to get encephalitis.

VII ADJOURNMENT

Mr. Mulholland thanked Mr. Spikowski for his work on the elements. The meeting was adjourned at 9:46 PM.

Respectfully submitted,

Peggy Salfen
Recording Secretary